

Submissions for the Intervener
Christian Zukowski, Speaker of Students' Council

- [1] The outcome of HA-08 has the potential to impact the outcome of HA-07 given that the issue brought forward here relates to the remedy requested by the Speaker. Given this, the Speaker wishes to make a brief submission to the Board in this case. The Speaker believes that the standard for admission as an intervener is met in this case because, as the Applicant in HA-07, the Speaker has a “material interest” in the outcome of HA-08, as per the Board Protocols at section 27(b).
- [2] The core of these submissions is to point the Board to its own past decision: *Sunday v. Students' Council (Speaker)*, 2018-02.¹ While the Board is not bound by the precedent of its past decisions, the analysis contained within *Sunday* is relevant to the issue that the Applicant raises. Of particular relevance are paragraphs 7 to 16 of that decision.
- [3] It is true that the Board is a ‘creature’ created by Students’ Council and therefore falls on the same spectrum as other bodies created by Council, including committees. However, these bodies do in fact fall on a spectrum in terms of their independence in operation and power. Even among committees, some have more power than others. Having a bylaw dedicated to itself, the Board is somewhat unique in relation to other bodies created by Council. Indeed, in *Sunday*, the Board held at para. 14 that, if the circumstances necessitate it as a just and appropriate remedy, the Board could disband Students’ Council altogether and call an election.
- [4] The powers of the Board are both deep and broad and the analysis in *Sunday* points to a framework of applying such powers in a way proportionate to applications on *a case by case basis*. While the Board may decide to place a blanket limit on itself here, it is

¹ https://www.su.ualberta.ca/media/uploads/assets/Committees_DIE/DIE-2018-02-R.pdf.

respectfully submitted that the appropriateness and justness of a given remedy is better decided in the context of a specific case and set of facts.

- [5] On the specific issue of a conflict in bylaw between the provision of Bylaw 100 pointed to by the Applicant in HA-08 and the powers of the Board under Bylaw 1500, the Speaker has no submissions other than to point to the analysis in *Sunday*.